

## REMARKS/ARGUMENTS

In the Final Office Action mailed on January 24, 2006, claims 1-15 were rejected. In response, claims 1, 11 and 14 have been amended, claims 12, 13 and 15 have been canceled, and new claims 16-23 have been added. Applicants hereby request reconsideration of the application in view of the amendments and the below-provided remarks.

### Claim Rejections under 35 U.S.C. 102 and 35 U.S.C. 103

Claims 1 and 4 were rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Novis et al. (U.S. Pat. No. 5,867,795, hereinafter “Novis”). Claims 2, 9, 10, 12, 14 and 15 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Novis in view of Benson (U.S. Pat. No. 6,292,561). Claim 3 was rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Novis in view of Amtmann et al. (PCT Pat. Pub. No. WO 00/45328, hereinafter “Amtmann”). Claim 5 was rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Novis in view of Page et al. (U.S. Pat. No. 6,801,787, hereinafter “Page”). Claims 6-8 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Novis in view of Raith (U.S. Pat. No. 6,510,515). Claim 11 was rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Novis in view of Fries (U.S. Pat. No. 6,367,701). Claim 13 was rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Novis in view of Lee (U.S. Pat. No. 6,526,287). However, Applicants respectfully submit that the pending claims are patentable over the cited references for the reasons provided below.

### Independent Claim 1

Claim 1 has been amended to recite in part that “*the data carrier is disposed completely outside of the housing of the processing device and is adhesively attached to the housing of the processing device, and wherein the data carrier is configured to communicate wirelessly with the second communication means through a wall of the housing of the processing device.*” Support for the amendment to claim 1 is found at Applicants’ specification at, for example, Fig. 1, the paragraph between page 4, line 31

and page 5, line 2, and page 7, lines 3-15. Applicants respectfully assert that the cited reference of Novis does not disclose the above-identified limitation of amended claim 1.

Novis discloses that a portable electronic device (10) includes a housing (11), where the housing (11) includes a slot (16). (See Figs. 1-3 and column 3, lines 22-45 of Novis). Novis further discloses that the slot (16) is designed to place a smart card (18) adjacent to a sensor structure (19) that is mounted in the housing (11). (See Figs. 1-3 and column 3, lines 22-45 of Novis). The Final Office Action suggests that the smart card (18) of Novis is equivalent to the “*data carrier*” of claim 1. (See page 2 of the Final Office Action). The Final Office Action also suggests that the sensor structure (19) of Novis is equivalent to the “*second communication means*” of claim 1. (See page 3 of the Final Office Action). However, as shown in Figs. 1 and 3, the smart card (18) of Novis is not disposed completely outside of the housing (11). Thus, Applicants respectfully assert that Novis does not disclose that “*the data carrier is disposed completely outside of the housing of the processing device*” (emphasis added), as recited in amended claim 1. Additionally, as shown in Figs. 1 and 3 of Novis and also described in column 3, lines 22-45 of Novis, the smart card (18) is inserted into the slot (16) to be read by the sensor structure (19). Thus, Applicants respectfully assert that Novis does not disclose that “*the data carrier ... is adhesively attached to the housing of the processing device*” (emphasis added), as recited in amended claim 1. Furthermore, Novis discloses that the sensor structure (19), which is mounted in the housing (11), communicates with the smart card (16), which is inserted in the slot (16), within the housing (11). (See Figs. 1-3, column 3, lines 22-45, and column 4, lines 7-33 of Novis). Thus, Applicants respectfully assert that Novis does not disclose that “*the data carrier is configured to communicate wirelessly with the second communication means through a wall of the housing of the processing device*” (emphasis added), as recited in amended claim 1. Accordingly, Applicants respectfully assert that Novis does not disclose the above-identified limitation of amended claim 1. As a result, Applicants respectfully assert that amended claim 1 is not anticipated by the cited reference of Novis.

#### Dependent Claims 2-11 and 14

Claims 12, 13 and 15 have been canceled and claims 11 and 14 have been amended to correct informalities. Claims 2-11 and 14 depend from and incorporate all of the limitations of independent claim 1. Thus, Applicants respectfully assert that claims 2-11 and 14 are allowable at least based on an allowable claim 1.

#### New Claims 16-23

Claims 16-23 have been added. Support for claims 16-18 is found at Applicants' specification at, for example, Figs. 1 and 2, page 3, lines 17-23 and page 6, lines 31 and 32. Support for claims 19-23 is found at Applicants' specification at, for example, Figs. 1 and 2, page 4, lines 8-15, and page 7, lines 3-15. Claims 16-23 depend from and incorporate all of the limitations of independent claim 1. Thus, Applicants respectfully assert that claims 16-23 are allowable at least based on an allowable claim 1. Additionally, claims 16-23 are allowable for further reasons, as described below.

#### Claims 16-18

Claim 16 recites "*the housing of the processing device does not have an opening*" (emphasis added). Claim 17 recites "*the housing of the processing device does not have a cover*" (emphasis added). Claim 18 recites "*the housing of the processing device is watertight*" (emphasis added). Applicants respectfully assert that Novis does not disclose the above-identified limitations of claims 16-18.

As described above, Novis discloses that a portable device (10) includes a housing (11) that includes a slot (16). Because Novis discloses that the housing (11) includes the slot (16), Applicants respectfully assert that Novis does not disclose that "*the housing of the processing device does not have an opening*" (emphasis added), as recited in claim 16 and "*the housing of the processing device is watertight*" (emphasis added), as recited in claim 18. Novis further discloses that the housing (11) includes a base component (12) and a hingedly attached flipper component (13) that when in a non-use or stored position rests upon an uppermost surface of the base component (12) and serves to protect user controls (14). (See Figs. 1-3 and column 3, lines 22-45 of Novis). That is, Novis discloses that the hingedly attached flipper component (13) is a cover of the

housing (11). Thus, Applicants respectfully assert that Novis does not disclose that “*the housing of the processing device does not have a cover*” (emphasis added), as recited in claim 17. Accordingly, Applicants respectfully assert that Novis does not disclose the above-identified limitations of claims 16-18.

#### Claims 19-23

Claim 19 recites that “*the data carrier is embedded in an adhesive label, and wherein the adhesive label is attached to the housing of the processing device at a location on the housing that provides optimum protect against damage to the data carrier.*” Claim 20 recites that “*the adhesive label is attached to a rear wall of the housing of the processing device.*” Claim 21 recites that “*the rear wall has a recess, wherein the adhesive label is attached to the rear wall in the recess such that a surface of the adhesive label does not extend over the rear wall beyond the recess.*” Claim 22 recites that “*the data carrier is attached directly opposite the second communication means with respect to the rear wall of the housing.*” Claim 23 recites that “*the processing device is a DVD player, a CD player or a computer.*” Applicants respectfully assert that none of the cited references discloses the above-identified limitations of claims 19-23.

## CONCLUSION

Applicants respectfully request reconsideration of the claims in view of the claim amendments and the remarks made herein. A notice of allowance is earnestly solicited.

At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account **50-4019** pursuant to 37 C.F.R. 1.25. Additionally, please charge any fees to Deposit Account **50-4019** under 37 C.F.R. 1.16, 1.17, 1.19, 1.20 and 1.21.

Respectfully submitted,

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